

10/803,008

REMARKS

The Abstract was amended to make it into a single paragraph, and to reduce the number of words, in conformity with US patent law requirements.

Claims 1-9, and 11 are pending and stand rejected.

Claims 1, 7-9, and 11 stand rejected, and claims 2-6 are withdrawn.

Claim 1 has been amended to cite the Elected species for component (B) - as supported by withdrawn Claim 2.

Claim 11 has been renumbered as claim 10, as it follows claim 9.

ELECTION

The Examiner has requested an Election to an ultimate species of component (B). Applicant, in a phone conversation with the Examiner, has elected high density polyethylene (HDPE) as the ultimate species of component (B), with traverse. Claims 2-4 have been withdrawn, and Claim 1 has been amended to reflect this election.

Applicant argues that According to M.P.E.P. §803, if there is no serious burden on the part of the Examiner to examine the entire subject matter set forth in a patent application, then the Examiner must proceed with doing so even if the application is drawn to multiple inventions. In the present application, each component (B) in claims 2 contains essentially the same polyethylene, either alone, or blended with other polymers, and thus the claims are very much related to each other. Accordingly, a search of the blend of polyamide/polyethylene/and nanofillers would clearly involve a search of a composition comprising a blend of polyamide/polyethylene/a polyethylene blend/and nanofillers.

35 U.S.C. §103(a)

Claims 1 and 7 stand rejected under 35 U.S.C. 120(b) as anticipated by, or in the alternative under 35 U.S.C. §103(a) as being obvious over US Patent Number 6,060,549. The '549 reference fails to teach or suggest all of Applicants claim elements and claim limitations

10/803.008

and therefore fails to present a *prima facie* case of obviousness. Specifically, Applicants Claim 1, as elected and amended, is to a composition having barrier properties comprising a blend of Polyamide (A) and polyolefin (B) wherein said blend contains nanofillers and wherein said polyamide forms the matrix, and wherein said polyolefin (B) is a highdensity polyethylene (HDPE). The '549 patent teaches a blend requiring a C₄ to C₇ isomonoolefin that contains aromatic monomer units spread along the polymer chain. The polyethylene required by Applicant in the Election of species is a C₂ olefin, and it contains no aromatic monomer units spread along the polymer chain. One of skill in the art would not be led to practice a C₂ olefin from a teaching of a C₄₋₇ monoolefin. Further, the '549 patent teaches away from Applicant's claim element of a C₂ olefin (HDPE). The '549 requirement of a C₄ to C₇ isomonoolefin does not present a *prima facie* case of either anticipation or obviousness.

35 U.S.C. §103

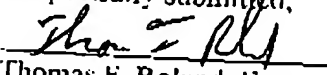
Claims 8, 9, and 11 (now properly amended as claim 10) stand rejected under 35 U.S.C. §103(a) as being obvious over US Patent Number 6,060,549. The '549 reference fails to teach or suggest all of Applicants claim limitations. Specifically, as stated above, the '549 patent is to a C₄ to C₇ isomonoolefin, while Applicant's claims, as amended to match the election of species provided to the Examiner for the initial search on the merits, require a high density polyethylene. One of skill in the art would not be led to practice Applicant's claim requiring a C₂ olefin from a teaching of a C₄₋₇ monoolefin. Further, the '549 patent teaches away from Applicant's claim element of a C₂ olefin (HDPE) by exemplifying only brominated isobutylene/paramethylstyrene elastomers. The '549 requirement of a C₄ to C₇ isomonoolefin does not present a *prima facie* case of either anticipation or obviousness.

Since the cited reference fails to present a *prima facie* case of anticipation or obviousness over the claims as amended, Applicant believes that the reasons for rejection have been overcome, and the claims herein should be allowable to the Applicant. Accordingly, reconsideration and allowance are requested.

Best Available Copy

10/803.008

Respectfully submitted,


Thomas F. Roland, Esq.
Attorney for the Applicants
Reg. No. 42,110

Date: June 14, 2005

Arkema, Inc.
Patent Department - 26th Floor
2000 Market Street
Philadelphia, PA 19103-3222
Tel (215) 419-7314
Fax (215) 419-7075